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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8178 OF 2025

Shree Construction

.. Petitioner

Versus

The Regional Officer, the
Maharashtra Pollution Control Board
& Anr.

.. Respondents

Mr. Sanket Thakur for petitioner.
Mr. Jitendra Jagtap for respondent nos.1 and 2 – MPCB.
Mr. O. A. Chandurkar, Addl. Govt. Pleader a/w Ms. R. M.
Shinde, AGP for respondent no.3.

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**CORAM: ALOK ARADHE, CJ. &
SANDEEP V. MARNE, J.**

DATE: 24th JUNE, 2025

ORAL ORDER [Per Chief Justice]:

- 1.** With the consent of the learned counsel for the parties, heard finally.
- 2.** In this writ petition, the petitioner has assailed the validity of the order dated 16th June, 2025 passed by the Maharashtra Pollution Control Board (herein after referred to as "Board") in exercise of powers under Section 33A of Water (Prevention & Control Pollution) Act, 1974 (hereinafter referred to as "the Water Act") and under Section 31A of Air (Prevention & Control Pollution) Act, 1981 (hereinafter referred to as "the Air Act").

2. Facts giving rise to filing of the present writ petition, in nutshell, are that the petitioner is engaged in the business of operating stone metal manufacturing plant on land bearing Survey No. 61, village Kundewahal, Taluka – Panvel, District – Raigad. The petitioner was granted consent to operate on 10th February, 2023, which was valid till 31st January, 2025. The petitioner thereafter submitted an application on 27th December, 2024 seeking renewal of consent to operate the stone crushing unit. Thereupon, the Board on 24th March, 2025 issued conditional directions to petitioner to restarting manufacturing activities for a period of nine months i.e. upto 31st December, 2025 subject to conditions mentioned therein. The Board thereafter on 3rd April, 2025 granted the renewal to consent to operate the stone crushing unit, which is valid upto 31st December, 2025. Thereafter, the impugned order dated 16th June, 2025 was passed by the Board directing the petitioner to stop the manufacturing activities within a period of 72 hours on the ground of non-compliance as mentioned in the said order. In the aforesaid background, this petition has been filed.

3. Learned counsel for the petitioner has raised a singular contention that the impugned order has been passed in flagrant violation of principles of natural justice as well as that neither any notice nor any opportunity of hearing was given to the petitioner.

4. Learned counsel for the Board submits that the Board shall afford an opportunity of hearing to the petitioner and the directions contained in the impugned order shall be treated as interim directions.

5. In view of the aforesaid submissions and taking into account the fact that the impugned order is passed in violation of principles of natural justice, we direct that the directions contained in the impugned order dated 16th June, 2025, be treated as interim directions. The petitioner undertakes to appear before the Board on 1st July, 2025 at 11.00 a.m. Thereupon the competent authority of the Board shall afford an opportunity of hearing to the petitioner and shall proceed to pass an appropriate order by assigning reasons separately under the Water Act as well as Air Act. It is clarified that this Court has not expressed any opinion on merits of the matter.

6. Accordingly, the writ petition is disposed of.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)